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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PETER KEFALAS,	Case No. 2:18-cv-00203-JCM-PAL
Petitioner,	ORDER
v.	
THE STATE OF NEVADA, et al.,	
Respondents.	

It appears that petitioner Peter Kefalas intended to initiate a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254 (ECF No. 1-1). The petition is not on the court’s required form. Moreover, petitioner has failed to submit an application to proceed *in forma pauperis* or pay the filing fee. Accordingly, this matter has not been properly commenced. 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2.

Thus, the present action will be dismissed without prejudice to the filing of a new petition in a new action on this court’s form with either the \$5.00 filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an inmate account statement for the past six months and a properly executed financial certificate.

It does not appear from the papers presented that a dismissal without prejudice will materially affect a later analysis of any timeliness issue with regard to a new action filed in a timely manner after petitioner has exhausted all available state remedies.¹

¹ The papers that petitioner has attached to his filing appear to indicate remittitur issued for his direct appeal on September 29, 2017. See *also* Nevada Court of Appeals Case No. 70899.

1 Petitioner at all times remains responsible for properly exhausting his claims, for
2 calculating the running of the federal limitation period as applied to his case, and for
3 properly commencing a timely-filed federal habeas action.

4 **IT IS THEREFORE ORDERED** that the Clerk shall detach and file the petition
5 (ECF No. 1-1).


6 **IT IS FURTHER ORDERED** that this action is **DISMISSED** without prejudice to
7 the filing of a new petition on the court's form in a new action with a properly completed
8 application form to proceed *in forma pauperis* or the \$5.00 filing fee.

9 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**, as
10 jurists of reason would not find the court's dismissal of this improperly commenced
11 action without prejudice to be debatable or incorrect.

12 **IT IS FURTHER ORDERED** that the Clerk shall send petitioner two copies each
13 of an application form to proceed *in forma pauperis* for incarcerated persons and a
14 noncapital Section 2254 habeas petition form, one copy of the instructions for each
15 form, and a copy of the papers that he submitted in this action.

16 **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly
17 and close this case.

18 DATED: April 12, 2018.

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20 JAMES C. MAHAN
21 UNITED STATES DISTRICT JUDGE
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